

Practitioner's Docket No. 799_001 CIP

PATENT

NEW APPLICATION TRANSMITTAL

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to **Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450** on **October 24, 2003**, under "EXPRESS MAIL" mailing label number EL 989118484 US.


Gina M. Husak

22387 U.S. PTO
10/692520

Transmitted herewith for filing is the patent application of:

Inventor 1: Martin DIAMOND
Address: Box 750 Chaphe Hill Road
Erieville, NY 13061

Title: CROSS-TIE FOR RAILROAD RAIL ASSEMBLY AND METHOD OF
MANUFACTURING THE SAME

1. Type of Application

This is a request for filing a **CONTINUATION-IN-PART APPLICATION** under 37 C.F.R. §1.53(b), of pending prior application International Application No. PCT/US02/12919 having an international filing date of *April 24, 2002*, entitled **CROSS-TIE FOR RAILROAD RAIL ASSEMBLY AND METHOD OF MANUFACTURING THE SAME**, which designated the United States.

2. Papers enclosed

A. Required for filing date under 37 CFR 1.53(b) (Regular) are:

- 13 Page(s) of Specification
- 2 Page(s) of Claims
- 1 Page(s) of Abstract
- 3 Sheets of Formal Drawings (Figs. 1-8)

B. Other Papers Enclosed

- ☒ A Patent Application Bibliographic Data
- ☒ A combined Declaration and Power of Attorney
- ☒ An Assignment Transmittal and Assignment of the invention to:

ARE Technologies of Central New York, Inc.
3211 Route 20 East
Cazenovia, New York 13065

- ☒ An Information Disclosure Statement
- ☒ PTO Form-1449

3. The correspondence address for this application is: Customer No. 025191
Telephone: (315) 233-8300 Electronic Mail: lvanantwerp@burrandbrown.com
Facsimile: (315) 233-8320

4. Relate Back

A. 35 U.S.C. 119(e)

☒ Priority of provisional application Serial No. 60/288,177, filed May 2, 2001, is hereby claimed under 35 U.S.C. §119(e).

B. 35 U.S.C. 120, 121 and 365(c)

☒ Priority of said prior application(s) is hereby claimed under 35 U.S.C. §120 as follows:

<u>Application Number</u>	<u>Filing Date</u>	<u>Relationship</u>
PCT/US02/12919	April 24, 2002	Parent

5. Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i)

☐ Applicants hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

☐ Applicants hereby request that the attached application **not** be published under 35 U.S.C. 122(b).

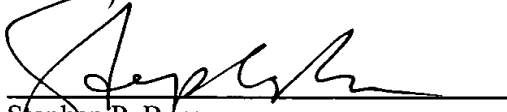
6. The filing fee has been calculated as shown below:

Basic Filing fee (37 CFR §1.16(a))				\$ 770.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	1 - 20 =	1	× \$ 18.00	\$ 0.00
Independent Claims	1 - 3 =	0	× \$ 86.00	\$ 0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	\$.00
Surcharge fees (37 C.F.R. 1.16(e)--\$130.00)				
<input type="checkbox"/> late payment of filing fee <i>and/or</i>				\$.00
<input type="checkbox"/> late filing of original declaration or oath (37 C.F.R. 1.16(e)--\$130.00)				
TOTAL OF ABOVE CALCULATIONS =				\$ 770.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 335.00
SUBTOTAL =				\$ 335.00
<input type="checkbox"/> Fee for processing an application filed with a specification in a non-English language (37 C.F.R. 1.17(i) and 1.52(d)--\$130.00)				\$.00
<input checked="" type="checkbox"/> Assignment Fee (37 CFR §1.21(h)--\$40.00)				\$ 40.00
TOTAL FEES DUE =				\$ 375.00

**7. Payment of Fees and Authorization to Charge Additional Fees
or Credit Overpayment**

- ☒ A check in the amount of \$375.00 is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446. A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 CFR 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,



Stephen P. Burr
Reg. No. 32,970

October 24, 2003

Date

SPB/gmh

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